



Appeal Decision

Site visit made on 6 December 2022

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 14 December 2022

Appeal Ref: APP/D0840/W/22/3294229

Llanfield Stables, Prickly Post Lane, Lankelly, Fowey, PL23 1EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Jacqueline Colwill against the decision of Cornwall Council.
 - The application Ref PA21/09551, dated 21 September 2021, was refused by notice dated 2 March 2022.
 - The development proposed is temporary residential use of caravan/mobile home which has been on site since 2015 as a store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The caravan is already stationed at the site and occupied by the appellant as a dwelling. I have considered the appeal on this basis.

Main Issue

3. Whether the site is suitably located for the development with regard to the development plan.

Reasons

4. The caravan stands close to a small group of stables, with associated areas of hardstanding and storage buildings. It is separated from Prickly Post Lane by a mature hedge, although it was clearly visible through the hedge at the time of my visit. The appeal site is beyond the developed area of Fowey, which is nearby to the east and south, but separated by undeveloped fields.
5. Policy 3 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP) establishes the Council's hierarchy for delivering new development in its area. Outside the main towns it states that new development shall be delivered by rounding off and by developing previously developed land (PDL) within or immediately adjoining that settlement, and development that fills a small gap in an otherwise continuous built frontage. There can be no doubt that the development subject of this appeal cannot be considered rounding off or infill development. Furthermore, with regard to its status as PDL, it is not within and does not adjoin a settlement.
6. Policy 3 of the Fowey Parish Neighbourhood Development Plan 2019-2030 (FNP) establishes a development boundary. The appeal site is outside of this area.

7. In Policy 7, the LP sets out exceptions for new housing in the open countryside. This could include housing for rural occupation workers where there is up to date evidence of an essential need of the business for the occupier to live in that specific location. The appellant refers to the need to be on site all the time to look after her elderly ponies. There is however no evidence to suggest that the keeping of ponies at the site is part of a business, or that they generate an income for the appellant. It is not usually considered necessary for stables to be supported by a person living at the site. The essential need for the development on this basis has not been demonstrated.
8. Policy 9 of the LP covers rural exception sites, as does Policy 4 of the FNP. However, the development does not accord with either Policy as it is not put forward as a unit of affordable housing and neither is it well related to the physical form of the settlement. The development is therefore contrary to the development plan policies that seek to steer new development to suitable locations.
9. Paragraph 79 of the National Planning Policy Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The caravan is in an isolated location that is separate from the developed edge of Fowey. It does not enhance or maintain the vitality of a rural community.
10. At my visit I saw that access to local services and facilities in Fowey from the site is via a length of narrow country lane that is unlit and without a dedicated footway. Based on my observations of the route and the distance between the site and day to day services and facilities, I am of the view that persons occupying the caravan would be likely to rely on a private car to make such journeys.
11. In summary, the site is not suitably located for the development. It does not accord with Policies 2, 3, 7 or 9 of the LP or Policies 3 or 4 of the NP, which together set out the Council's hierarchy for the delivery of new development, to manage growth and facilitate the delivery of well located new housing.

Other Matters

12. The appellant advises that she does not drive and that she makes the journey from the site into Fowey on foot. The Planning Practice Guidance (PPG) advises that permission usually runs with the land and it is rarely appropriate to provide otherwise¹. Details before me relate to the difficult circumstances that the appellant finds herself in. However, a case has not been made that permission should be granted for the development with a condition that limits the occupancy of the caravan to the appellant. The essential need for the development on the basis of the care of the ponies has not been demonstrated and neither has a case been made that the only housing solution available to the appellant is in the caravan at the appeal site.
13. The land has been in the ownership of the appellant's family for 50 years and has a small holding number. I am however not satisfied that these are factors that should weigh in favour of the proposal.
14. The caravan is not connected to mains services. I give this matter little weight however, as it might be possible to make such connections in the future.

¹ Paragraph: 015 Reference ID: 21a-015-20140306

15. A temporary permission has been applied for. The harm arising from the development would be reduced if permission was only granted on a temporary basis, however no reasons are given to justify this. There is no suggestion that alternative plans are being developed to secure alternative housing provision for the appellant. With reference to the PPG², it is not necessary to issue a temporary permission for a trial period to assess the effect on the area, and neither is it expected that the planning circumstances will change at the end of a temporary period. I am therefore of the view that a temporary permission is not appropriate and would not make the development acceptable.

Conclusion

16. In conclusion, the proposal would conflict with the development plan and there are no other considerations that outweigh this conflict. Therefore, the appeal should be dismissed.

A Tucker

INSPECTOR

² Paragraph: 014 Reference ID: 21a-014-20140306